

- (b) If an appraiser or real estate broker is involved in the sale, the debtor must obtain Court authority to employ the appraiser or broker by way of motion. The motion must be accompanied by an affidavit of disinterestedness signed by the broker and comply with the requirements of MLBR 2014(a)-1 and 6005-1.
- (c) Within forty-five (45) days after the entry of an order approving a private sale of real estate which is property of the estate, the chapter 13 debtor's attorney or the debtor (if the debtor is unrepresented), shall file with the court a " Status Report Regarding Sale of Estate Property" (the "Report"). The Report shall contain the following information: 1) the date of the closing of the sale, or if no closing has been held as of the date of the Report, the reasons for delay in the closing of the sale; 2) a detailed itemization of the disbursements made at the closing, or in the alternative, the Report shall attach as an exhibit a copy of the executed settlement statement for the closing of the sale. The closing attorney and the debtor's attorney (or the debtor, if the debtor is unrepresented) shall ensure compliance with the terms of the order of the Court approving the sale.

13-15. BORROWINGS OR REFINANCING OF ESTATE PROPERTY

The provisions and requirements of MLBR 4001-2 shall apply in chapter 13 cases. Any motion for approval of a borrowing or refinancing shall include all the material terms of the proposed credit arrangement. A copy of any borrowing agreement shall be attached to the motion.

13-16-1. MOTIONS FOR RELIEF FROM STAY

- (a) Pre-filing Conference
 - (1) At least seven (7) days prior to filing a motion for relief from stay, counsel to the movant shall confer with counsel to the debtor or with the pro se debtor, in person or by telephone, to make a good faith effort to resolve or narrow disputes as to the contents of the motion. Movant's counsel shall be responsible for initiating the conference either by telephone, facsimile, e-mail, or first class mail or in person. Such communications shall be for the purposes of initiating the

conference only, and the conference must be held either in person or by telephone. A movant does not violate the automatic stay by contacting the pro se debtor(s) in complying with this Rule.

- (2) If the conference is not held despite timely and reasonable good faith efforts made by movant to initiate the conference, movant's counsel shall attest to the efforts made to initiate the conference with counsel to the debtor or with the pro se debtor.
- (3) All motions for relief from stay shall be accompanied by a certificate stating that
 - (i) the conference was held, together with the date and time of the conference and the names of the participating parties; or
 - (ii) the conference was not held despite the reasonable efforts made by the movant's counsel as set forth in counsel's attestation.
- (4) Motions unaccompanied by a certificate may be denied without prejudice to their renewal when accompanied by the certificate.
- (5) A pre-filing conference is not required if (a) the movant has obtained the debtor's assent to the motion prior to the motion being filed with the Court and the motion so indicates, or (b) the debtor has indicated an intent to surrender the real property that is the subject of the motion in the debtor's chapter 13 plan filed with the Court.

(b) Emergency or Expedited Motions

Subsection (a) shall not apply if the movant seeks determination of a motion for relief on an expedited or emergency basis, provided that the motion shall contain a statement consistent with the provisions of MLBR 9013-1.

(c) Contents of Motion

In addition to the requirements of MLBR 4001-1, and except for motions governed by Rule 13-16(d), a motion for relief from the automatic stay shall provide the following information:

- (1) the date of the filing of the chapter 13 petition;
- (2) the total amount owed to the moving party;
- (3) the date of confirmation of the plan;
- (4) the amount of the monthly payment at issue;
- (5) the total amount of the post-petition or post-confirmation payments (principal and interest) in default as of the date of the filing of the motion and due as of the anticipated date of hearing, and the total amount of any other post-petition change due or anticipated as of each of these dates;
- (6) the total amount of the prepetition arrearage;
- (7) the identity and an estimation of the amounts due all lienholders, in order of their priority;
- (8) an opinion of the value of the property (by declaration), if such value is an issue to be determined;
- (9) if the motion for relief from stay is based on defaults in payments to or through the chapter 13 trustee, the motion must show that the debtor has not made the payments to the chapter 13 trustee.

The Court, in its discretion, may deny a motion for relief from stay in the absence of an objection, if the above information is not set forth in the motion.

(d) Motion for Relief from Stay - Real Estate Worksheet (the "Worksheet")

In addition to the requirements of MLBR 4001-1(a) and (b) and 13-16(a) and (b), a motion for relief from stay with respect to real property shall be accompanied by MLBR Official Form 13, entitled Motion for Relief from Stay - Real Estate Worksheet (the "Worksheet"). The Court in its discretion may deny a motion for relief from stay pertaining to real estate notwithstanding the absence of an opposition, if the Worksheet and the documents required to be attached to it do not accompany the motion for relief from stay. A motion for relief from the automatic stay need not be accompanied by a Worksheet if (a) the movant has obtained the debtor's assent to the motion prior to the

motion being filed with the Court and the motion so indicates, or (b) the debtor has indicated an intent to surrender the real property that is the subject of the motion in the debtor's chapter 13 plan filed with the Court.

(e) Debtor's Schedule of Payments in Dispute

In addition to the requirements of MLBR 4001-1(c), if a debtor opposes a motion for relief from stay in which the movant seeks to foreclose a mortgage for post-petition defaults, the debtor shall file MLBR Official Form 14, entitled Debtor(s)' Schedule of Payments in Dispute (the "Schedule"). The Court in its discretion may overrule an opposition to a motion for relief from stay in the absence of a timely filed Schedule.

(f) Consolidation of Motion for Relief from Stay with Objection to Claim

If the motion for relief from stay and opposition raise issues in addition to, or other than, the debtor's postpetition payment history, the parties may request, or the court may order, at either the preliminary, nonvidentiary hearing or at the final evidentiary hearing, that the motion for relief from stay be consolidated with any objection filed by the debtor or the trustee to the movant's proof of claim.

(g) Request for Final Evidentiary Hearing

If the parties determine that the motion for relief from stay cannot be resolved and an evidentiary hearing is required, the parties may file a joint request for a final evidentiary hearing in lieu of a preliminary nonvidentiary hearing. The court in its discretion may cancel the preliminary nonvidentiary hearing and extend the automatic stay until the final evidentiary hearing. The final evidentiary hearing shall be scheduled no later than sixty (60) days after the filing of the motion, unless the parties in interest consent to an extension of the periods set forth in 11 U.S.C. § 362(e). In the joint request for a final evidentiary hearing, the movant shall indicate whether or not it waives the time periods for determination of the motion for relief from stay pursuant to § 362(e).